

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,

v.

Case No. 1:16-cr-209

DANIEL O. FLORES-MARAVILLA, et al.,

Defendants.

PROPOSED VOIR DIRE

COMES NOW the defendant, Daniel O. Flores-Maravilla, by counsel, and proposes the following voir dire to be used in jury selection and states as follows:

1. Have you had any experiences with anyone of Hispanic background that may make it difficult for you to be impartial and fair to the defendant?
2. Do any of you feel that you possess any kind of personal prejudice with reference to the Defendant or this case?
3. How many of you speak Spanish?
4. How many of you have had little or no contact with Hispanic people?
5. With the recent publicity about illegal immigration into the United States, how many of you feel our laws regarding immigration should be tougher?
6. Have you read or heard anything about this case before coming here today?
7. Have you read or heard anything about the presence and activities of gangs in this area?
8. If you have heard about the presence of gangs and gang activities in this area, what if anything, does this publicity make you think about this case?
3. Have you previously served on a jury, civil or criminal?
If so:
 - (a) when?
 - (b) what type of case?
 - (c) did you reach a verdict?
5. Have any of you ever served on a federal or state grand jury? If so:
 - (a) when and where?

6. Have any of you, any members of your immediate family, or close friends ever been a party to or testified in a civil or criminal trial or before a grand jury? If so, please explain.

7. If you were charged with a crime and gave a statement, how would you want your statement recorded for accuracy?

8. If a law enforcement officer gave one version of a statement and a defendant gave another version, how would you decide credibility?

9. How would you want the most important document in your life recorded for accuracy?

10. Have any of you ever been questioned by a law enforcement officer?

11. Have any of you ever said something that was misunderstood or was misconstrued?

12. Have you, any family members or close friends ever been involved in a crime involving any kind of weapon?

13. Do any of you believe the police should be able to use informants?

14. How do you feel about the idea that prosecutors can reduce charges or sentences in exchange for information or testimony against others?

15. How many of you feel it is appropriate to use confidential informants to make arrests?

16. How reliable or truthful do you think the testimony of an informant is?

17. How many of you have ever heard of a person being accused of a crime or punished for a crime when he/she was innocent?

18. Have you ever been accused of something you did not do?

19. The Defendants in this matter have already pled not guilty to this charge. How many of you feel you would like to hear their side of the story?

20. On a scale of 1-10, 10 being the strongest, how strongly do you feel about needing the defendant to testify?

21. What are your thoughts about whether or not a defendant should testify?

22. Have you, any family members, or friends known anyone who has used or has been addicted to drugs? If so, please state:

(a) who;

(b) what is their relationship to you?

23. Do you have any opinions or have you had any experiences about illegal immigration or Hispanic people or gangs that would make it difficult for you to be an impartial juror on a case of this type?

30. Are there any of you that feel you have such strong views about alleged gang activity and the death of an individual that your opinions may influence your ability to be a fair and impartial juror in this case?

31. Are there any of you that feel so strongly about gang activity and the death of an individual that you do not feel that you could base your verdict solely on the evidence?

32. Have any of you ever been a witness to a crime?

33. Have any of you ever seen someone you thought you knew at a distance, but when you got closer you realized it was not who you thought it was?

34. Have any of you or someone you know ever had to identify or describe a person for a police report?

35. Do you feel you are especially good at remembering details of something or someone you have seen?

36. Have you had an experience as a victim or has a relative or close friend been a victim of a crime? If so, please explain.

37. Have you or any of your close friends or relatives ever been convicted of any crime?

38. Have you ever been a victim of a violent crime or one involving a weapon? Do you know anyone that has been the victim of a violent crime or the victim of a violent crime that resulted in that person's death?

38a. If so, does this knowledge influence your ability to be a fair and impartial juror in this case?

39. Have you ever applied for a job with or worked for a law enforcement agency, or in the security field?

40. Do you have any relatives or friends who have applied with or work in law enforcement?

41. Would any of you tend to give any greater weight or credibility, no matter how slight, to the testimony of a federal agent or prosecution witness merely because they are employees of, or are testifying on behalf of the government?

42. Would you give their testimony greater weight or credibility over that of the defendants or witnesses on their behalf?

43. Are any of you, your family members, or friends employed by the federal government, including the United States Attorney's office?

44. As the court shows the jurors the indictment, do you understand that an indictment is only a piece of paper which notifies the defendant that he is being charged with a crime?

45. Do you understand that an indictment is not evidence that the crime charged was committed and may not be considered as evidence by you in deliberations?

46. Do you understand that the defendant entered a plea of not guilty and is innocent until proven otherwise?

47. Do you have any difficulty presuming the defendant innocent now?

48. Do you understand that the government is required by law to prove the defendant guilty beyond a reasonable doubt?

49. If the government fails to meet that burden, do you understand that you must find the defendant not guilty?

50. Do you realize that the burden of proof is greater for a criminal case than for a civil case?

51. Do you understand that the defendant does not have to testify at trial and nothing can be inferred from him not testifying?

52. In a criminal case, a defendant is not required to explain his or her side of the case since the burden of proof does, in fact, rest with the prosecution. Do you understand this?

53. Do you feel that fear could cause a person to do something they normally would not do?

54. Can you think of a time when you have felt fear? Can you tell me about that?

Respectfully submitted,
Daniel O. Flores-Maravilla
By Counsel

/s/

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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was served by ECF, email, fax, hand-delivery, and/or first class mail, postage prepaid to:

Patricia T. Giles, Esq.
Tobias Tobler, Esq.
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Asst. U.S. Attorney
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Date: January 29, 2018

/s/
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